

PART V:

ENVIRONMENTAL CONSEQUENCES

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INTRODUCTION

The objective of coastal management as stated in the Federal Coastal Zone Management Act is ". . . to achieve wise use of coastal land and water resources giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development." States are encouraged to achieve this objective by recognizing the long term consequences of development decisions; instituting a rational decision making process; and coordinating federal, state, regional, and local government actions relative to the coastal zone.

In response to this objective, New Hampshire proposes to amend the existing New Hampshire Coastal Program Ocean and Harbor Segment. The amendment, entitled the New Hampshire Coastal Program (NHCP), combines the Ocean, Harbor and Great Bay areas of the coast into a single unified program. The NHCP is designed to achieve a balance between resource development and preservation activities in the coastal area by encouraging the most environmentally appropriate uses of coastal resources and by minimizing or avoiding many of the adverse environmental consequences of coastal development. If approved, the NHCP will replace the New Hampshire Coastal Program Ocean and Harbor Segment in its entirety.

The overall net environmental impact of the NHCP should be decisively positive. While the Coastal Program was specifically designed to benefit the coastal environment by altering the institutional environment, the program may as an unavoidable consequence, adversely impact the natural environment and some development interests within the coastal zone. Adverse impacts and mitigating measures are discussed in subpart D of this section.

The specific action for which impacts have been analyzed is federal approval (and subsequent federal funding subject to Congressional appropriations) and implementation of coastal management in the manner described in Part II of this document. The impacts of federal approval and funding are considered direct impacts and include those impacts associated with the expenditure of federal funds; impacts stemming from the use of federal consistency provisions; impacts resulting from consideration of the national interest in siting facilities within the purview of national interest; and any impacts attributable to New Hampshire's efforts to achieve the national objectives of the CZMA. Indirect impacts are those impacts resulting from implementation of the NHCP including impacts upon the natural environment; impacts of regulations; and impacts attributable to specific policies and control techniques.

Pursuant to The National Environmental Policy Act, the following topics are discussed in this section and/or generally throughout the policies in Part II, Chapter 3: Energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures; and urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of

various alternatives and mitigation measures.

A. Direct Effects of Federal Approval

The NHCP could be implemented as a state program, unencumbered by the requirements of the Coastal Zone Management Act. Participation in the federal program, however, and a federally approved management program offers several advantages to the state including a more comprehensive and effective program.

1. Federal Funding

If the proposed NHCP is approved by the Office of Ocean and Coastal Resource Management, New Hampshire will continue to be eligible for federal grants-in-aid and other forms of financial assistance. The primary source of funding (Section 306) will provide for increased resource management capabilities (coordination, administration, and enforcement of authorities); continued programs to expand public awareness of coastal issues and foster public participation in policy development; research and other activities to gain a better understanding of resource utilization questions and opportunities to deal with special management concerns that otherwise might not be addressed. Section 306A funds can be used for low cost construction projects for preserving important natural areas, provision of public access, redevelopment of urban waterfront, and resource management and improvement.

Other sources of funding will enable state and local agencies to continue to plan for and deal with the impacts of energy facilities; plan for and possibly increase public access to the coast; and plan for and manage the effects of shoreline erosion.

During the first segment of the Coastal Program, Section 306 and 306A funds were used extensively by communities along New Hampshire's Atlantic Coast for purposes of development, conservation, and preservation. Some examples of these projects follow.

Preservation Projects

Old South Meeting House Restoration Plans (Portsmouth)
Walking Tour of Portsmouth Historic Sites (Portsmouth)
Rye Historic Survey (Rye)

Conservation Projects

Marsh Restoration Study for Bass Beach and Little River Marshes
(North Hampton)
Wetlands Mapping (Portsmouth)
Sand Dune Acquisition Study and Financial Assistance in Purchase of
Title (Seabrook)

Development Projects

Prescott Park Docks, Preliminary Engineering (Portsmouth)
Great Island Common Recreation Plan (New Castle)
Port of Portsmouth Development Plan

Under the proposed NHCP, Great Bay area communities would be able to utilize federal funds to carry out similar projects for the same purposes. Purchase of waterfront property on the bay or on the estuarine rivers to be maintained for conservation or recreational practices would be possible. So would construction of boat launches and financial assistance toward purchase of historic sites.

2. Federal Consistency

The formal and legal integration of decision-making by Federal, State and local government agencies will achieve better management and utilization of the State's coastal resources. Improved communication and coordination of all three levels of government will be achieved by implementing the consistency provisions of the federal Coastal Zone Management Act (CZMA) revitalization programs. Through these inter-governmental coordination procedures, resource use conflicts will either be resolved more quickly and efficiently or avoided altogether. The federal consistency provisions of the CZMA (Section 307) allows the State to control activities that are otherwise beyond the State's authority. Federal consistency has applied to the Ocean and Harbor area since 1982 when the New Hampshire Coastal Program Ocean and Harbor Segment was approved. Federal approval of the proposed NHCP will result in the federal consistency provisions applying to the Great Bay area as well as the Ocean and Harbor area.

The federal consistency provisions require that direct federal activities and development projects that "directly affect" the coastal area must be conducted in a manner that is "consistent to the maximum extent practicable" with the NHCP. Also, the state must concur that federally licensed and permitted activities, federally licensed and permitted activities detailed in OCS plans, and federal assistance to state and local governments are consistent with the management program before the license, permit, or grant can be approved by the federal agency. Federal consistency review does not apply to OCS lease sales. For a complete discussion on Federal Consistency, see Part II, Chapter 8.

Once the state concurs that the project is consistent, the federal agency is free to issue the permit or provide the assistance. It is important to note that an affirmative consistency determination by the state does not guarantee federal approval of the project, license or assistance application. The proposed action may still be rejected on the basis of criteria contained in the National Environmental Policy Act (NEPA), the Fish and Wildlife Coordination Act, the Endangered Species Act, or other national policy statements containing federal criteria which are more stringent than the requirements of the state's management program. Since in all instances the more stringent environmental regulations will apply, NEPA's objective to administer federal programs in a manner which maintains the quality of the environment is more than adequately fulfilled.

While applying the federal consistency requirement to the Great Bay area may place an additional administrative burden upon the state, this new responsibility will enhance the state's ability to manage coastal resources. The consistency process will provide for more coordinated and comprehensive resource management and has the potential to reduce the fragmented, single-purpose, and sometimes conflicting nature of federal activities affecting the coastal zone.

3. National Interest

Federal approval of the NHCP will signify the inclusion of an adequate procedure in the management program for considering national interest when siting facilities and protecting resources of greater than local concern. The national interest provisions of the management program ensure that national interest facilities and resources will not be arbitrarily excluded or unreasonably restricted, and they indicate a conscious effort on the part of the state to deal with national concerns during program development and implementation. No negative effects on energy use and development are expected as a result of implementing the Coastal Program.

The National Interest provision has two impacts. It ensures that a state has a process and a program that does not prohibit or exclude any use or activity dependent on the coastal area. In the absence of a comprehensive program, national concerns might be ignored or overruled by purely state or local interests. Second, criteria governing exclusions or restrictions should serve to enhance the siting procedure for national interest facilities as well as the resource protection capabilities of the state and local municipalities. This leads to more deliberate and less fragmented decision-making concerning the siting of facilities in the coast.

B. Indirect Effect of Federal Approval

The proposed NHCP is based on established state statutory authorities and management programs. Federal approval of the NHCP will not create sudden changes. The Atlantic coast communities have been operating under the coastal program since 1982. State and local government initiatives in coastal management will accelerate under this program. Furthermore, the laws which form the core authority of the coastal program will become more effective and better coordinated by including the Great Bay area. Federal approval is a major step toward improving and preserving New Hampshire coastal amenities and achieving administrative improvements.

The approval of the NHCP is not expected to cause adverse environmental impacts. It has been developed in accordance with the objectives of the federal Coastal Zone Management Act which emphasizes the protection of environmental values.

New Hampshire's program aims towards reconciling the competing demands for environmental protection and economic development. Thus, economic quality and growth are essential if the program is to achieve its objectives.

Generally, the program will not add negative socio-economic impacts beyond those currently caused by existing state and local programs. Coastal management will support actions which both conserve valuable natural resources and accommodate the needs of an expanding population and economy.

The NHCP has been designed to improve the management of the State's coastal resources. To achieve this end, the program includes a set of coastal policies applicable to State agency actions in the coastal area. These policies have been grouped into six topic areas that (1) steer development away from environmentally sensitive areas such as wetlands and sand dunes; (2) promote increased recreation and public access to the water; (3) manage coastal development to ensure the proper siting and type of uses within the coastal zone; (4) promote coastal dependent uses in specific areas with existing infrastructure; (5) protect and preserve coastal historic and cultural resources; and (6) encourage continued research that directly benefits coastal resource management. These coastal policies will provide a comprehensive framework to guide future resource management and land use decisions by State, and when appropriate, Federal and local agencies.

To understand the impacts of federal program approval, the probable impact of the proposed NHCP on the natural, socio-economic and institutional environment is examined below. Because the coastal program will be implemented over a period of years within a fluctuating economic, social and institutional environment, it is impossible to determine and describe discrete impacts that will result from the implementation of the program. Thus the discussion which follows will highlight impacts in general terms only.

1. Environmental Impacts

Coordinating management of coastal resources in accordance with the proposed New Hampshire Coastal Program policies and its core authorities will minimize many of the detrimental effects that may be associated with coastal development. The coastal program policies seek to protect coastal resources and manage the impacts of development on coastal resources. Since activities with a potential for adverse impacts will be discouraged by the coastal program goals and policies, coastal land and water resources will be preserved, protected and enhanced. Policy provisions for restoration of coastal resources may have significant positive environmental impacts. For example, financial assistance could be provided to study and restore deteriorating eelgrass beds or marshes in coastal waters.

The policies of the proposed NHCP have been reorganized, and read somewhat differently than the policies contained in the New Hampshire Coastal Program Ocean and Harbor Segment. Despite the change in appearance, there are no changes in substance, with the exception that a policy has been added dealing with the character of Great Bay. This, and the fact that the communities on the Atlantic coast have been participating in the program for several years, means that approval of the program could have slightly different impacts in the two areas. For instance, development consistent with the coastal program in the Port of Portsmouth could lead to an increase in the

urbanization of that waterfront, while increased urbanization of the Great Bay shoreline would not be consistent with the Program.

State natural resource policies protect tidal wetlands, beaches and sand dunes, rocky shores, coastal waters and marine species. The program will improve the capabilities of existing resource management agencies in protecting natural resources where development threatens their value as fish and wildlife habitats, productive ecosystems, natural flood and erosion buffer areas, and public recreation and access areas.

Other state policies manage the impacts of development on coastal resources to further protect and enhance the environmental quality of the coastal area. State policies related to water quality seek to: protect water supply sources; to minimize the risk of oil spills; and to provide effective cleanup procedures. Flood hazard and erosion control policies manage development to minimize the loss of life and property in coastal flooding and erosion areas. Dredge and fill policies seek to protect wetlands and minimize the adverse impacts of channel dredging and dredge spoils disposal activities. State policies on historic resources seek to protect the value of identified historic areas and minimize or mitigate adverse impacts resulting from development in such areas.

Coastal use policies manage such activities as boating, fishing, shoreline structures, ports and harbors, energy facilities, and public investments. These policies manage activities based on: their value as water dependent activities; their impact on coastal resources; and the nature and location of existing development on the coast. Policies related to public investments in water and sewer lines prohibit such extensions into wetlands and floodplains, except to eliminate existing sources of pollution, and promote concentrated development in areas already served by water and sewer. Policies on water dependent facilities seek to accommodate such uses, but also minimize the adverse impacts of such activities on coastal resources.

The rural character and scenic beauty of the Great Bay Estuary will be preserved by protecting the quality of surface and groundwater resources, limiting publicly funded waste water treatment facilities, prohibition of septic systems in the 50-year floodplain, limiting public investment in coastal highway projects, and regulating dredge, fill and construction activities. The Governor has directed CORD and affected state agencies to adopt and implement all of the policies contained in the proposed Program.

Increased coordination of environmental management authorities will ensure more consistent protection of natural resources. Several agency programs, such as wetlands dredge and fill permitting, water quality permitting, saltwater fisheries protection, and state coastal lands management, deal with resource problems which are closely related. Assistance by the New Hampshire Coastal Program with monitoring, administration and agency coordination will create more efficient governmental decision making in coastal resource protection.

Beneficial environmental impacts which can be expected to occur as a result of the integrated management of state coastal policies through program implementation include:

- protection of natural resource areas as fish and wildlife habitats, refuges, productive ecosystems, natural flood and erosion buffer areas;
- protection of water quality and quantity in the coast;
- minimization of loss of life and property due to coastal floods, storms, and erosion;
- maintenance and/or improvement of existing air quality in the coast; and
- concentration of future growth outside sensitive natural resource areas such as wetlands and over the waters of the State when development is not water dependent.

2. Socio-Economic Impacts

Coastal management requires a balance between: conservation of irreplaceable natural resources; the needs for coastal recreation, public access, waterfront redevelopment, water dependent industry and commerce; and the demand for jobs, housing and shopping which an expanding population and healthy economy put on the coastal area.

While some actions in the coast may result in net gains or losses for the public or for the local economy, it is anticipated that the following socio-economic benefits will result from the coastal program:

- improved recreational access and educational opportunities along the coast;
- increased property values and land transactions;
- increased opportunities for coastal industries and commerce, especially commercial fishing and marine commerce;
- reduced expenditures for construction and maintenance of public investments, particularly flood and erosion control measures, disaster relief expenditures, and public utilities; and
- decreased government expenditures and operating costs for coastal regulatory programs.

Concerning public access and recreation, implementation of the NHCP should result in more opportunities for public use and enjoyment of the coast in a manner which is consistent with sound resource conservation practices and the constitutionally protected rights of private property owners. Recreation policies will encourage the expansion, development, redevelopment and efficient utilization of state owned recreational facilities within the coast. The New

Hampshire Coastal Program encourages the retention and expansion of mooring spaces for recreational boating. Maintenance and enhancement of productive estuarine resources will ensure sufficient stock for sport fishing, while protection of other sensitive resources will ensure the availability of areas for open space, scenic enjoyment, and scientific and educational purposes. The program will assist state and local efforts to increase coastal access, as well as parking needs.

Few adverse impacts are foreseen as a result of public access and recreation initiatives of the program. However, designation of access areas may lead to increased use in such areas, which may reduce privacy. Also, overuse of some shoreline areas may degrade the recreational resources and increase public costs to maintain beaches, parks, parking, and other support facilities.

Concerning land values, managing coastal resources in accordance with state coastal policies may enhance the desirability and value of some coastal properties and reduce the value of others. Upland areas within coastal areas that have high development capability and potential may increase in value. Sensitive lands that are subject to development restrictions may undergo an initial decline in value only to increase again over time as all land values continue their upward trend.

The economic impact of coastal management may also be felt outside the coastal area. Regulation of coastal resources could reduce overall amounts of new development and growth within the coastal area, and thereby shift development and growth (and possibly adverse impacts associated with growth) to non-coastal areas. Under such circumstances, land values of competitive non-coastal properties could experience an increase in value.

With respect to industry and commerce, the NHCP may provide direct or indirect benefits to major coastal industries, especially the commercial fishing industry. Preservation and restoration of tidal wetlands and estuaries should provide long-term benefits to the commercial fishing and shellfish industry since these productive areas are critical to the food chain and provide spawning, nursery, and feeding grounds for finfish and shellfish. Benefits should also accrue to the fishing industry as a result of dredging policies which emphasize environmentally sound dredging and disposal techniques and policies which encourage and facilitate use of the shorefront for water dependent activities including uses related to commercial and recreational fishing. State policies relative to fisheries also seek to upgrade state facilities serving the commercial fishing industry, and encourage management of the state's fisheries in a manner which ensures sustained productivity and economic viability.

Marine commerce should also benefit from implementation of coastal management. Maintenance dredging, permitted by the coastal policies, may enhance the capacity of navigational channels to provide for efficient transportation of commercial and recreational waterborne traffic. Marine commerce should also benefit from policies which

encourage development, reuse, and redevelopment of existing port, harbor, and developed shorefront for water dependent uses.

New Hampshire's urban waterfront is ripe for redevelopment opportunities for increased public use and commercial diversity, as well as historic preservation and restoration. Assistance to redevelopment efforts by the coastal program has and will continue to reduce conflicts over the use of historic properties on the waterfront and increase the attractiveness and use of waterfront properties for residents and tourists. Costs associated with redevelopment of the historic urban waterfront may include overuse and loss of privacy, jeopardizing the character of the waterfront area, increased costs of development due to restricted uses, and limitations on uses to those which are not incompatible with historic waterfront values of the area.

The impact of coastal management upon the construction industry is difficult to assess considering the influence of outside economic forces. Generally, the anticipated impacts on the construction industry should closely parallel the anticipated impacts on land values. Construction activity constrained in areas of sensitive resources may be offset by greater opportunities elsewhere. The construction industry may also benefit from coastal management in the form of decreased development costs and simplification of permit processes. In response to local regulations developed with the financial and technical assistance of the coastal program, developers may be able to cluster development so as to avoid sensitive resources. This ability to avoid sensitive resources will eliminate reliance upon costly development techniques such as fill and/or structural modifications.

The reuse and redevelopment of urban shoreline areas encourages more efficient use of existing infrastructure and lowers government expenditures by avoiding costs required to extend public services to undeveloped areas. Transportation policies with their emphasis upon maintenance and improvement of existing highways may have positive cost implications as well. As development is redirected from unsuitable to suitable areas, sewage related water quality problems should decline as should public and private expenditures to correct these problems.

3. Institutional Impacts

In assessing the institutional impacts of the New Hampshire Coastal Program, the following facts warrant consideration. New Hampshire's program has been carefully designed to work through existing regulatory programs, primarily at the state level; no changes in regulatory jurisdiction are required and no new permits will be required. The program incorporates coastal policies which apply to state agency programs on resource protection, management of development, and public investments.

Implementing the NHCP will affect the relationships and

responsibilities of federal, state, and local governments. Because the coastal program rests on existing laws and rules, cooperation among all levels of government is required if the coastal program is to succeed. Some new institutional linkages will be forged to more adequately coordinate resource management and integrate state policy decisions: the Office of State Planning will coordinate all levels of government on coastal management issues and the Council on Resources and Development will coordinate critical state agency actions and management programs in the coast.

Municipalities could receive coastal program assistance in preparing: (1) revisions to the municipal master plan; (2) revisions to the following municipal plans: redevelopment plans, the capital improvement plan, recreation and conservation plans; and (3) revisions to local zoning regulations and other land use regulations including: historic district ordinances, shoreline protection ordinances, planned unit development regulations, subdivision regulations, wetland regulations, ordinances governing the filling of land and removal of soil, ordinances concerning protection and improvement of the environment, and erosion and sedimentation control regulations.

The provision in the program for assistance in revising municipal plans, ordinances, and regulations should result in the overall enhancement of the resource management process. Updating of plans and ordinances will provide municipalities with the opportunity to undertake long range planning, and, therefore, to consider and address cumulative resource impact problems. Since the site plan review and planning board procedure will be complimented by the coastal program, the municipal decision-making process should be more consistent and predictable. Developers and coastal property owners should benefit from this effect since costly delays in municipal permit proceedings will be minimized. Finally, coordination between various levels of government will be improved through implementation of the coastal program, as coastal policies will be consistent at both the state and local levels. Municipal conflicts should also be reduced due to greater uniformity in municipal management of coastal resources.

Concerning impacts upon federal agencies, as described in the section entitled "Direct Effects of Federal Approval," federal agencies conducting activities directly affecting the coastal area must, to the maximum extent practicable, be consistent with the New Hampshire Coastal Program. In addition, federal agencies must coordinate their permit and licensing actions with state permit actions or the reviews of appropriate state agencies. Most federal agencies have been operating under the consistency provisions since 1982. The program will use the consistency provisions of the federal CZMA in a positive way and will not add additional organizational layers of review or attempt to block actions, but will try to bring about earlier and more effective consultation with federal agencies.

To assess impacts upon local agencies, it should be noted that local participation in the coastal program is voluntary. Therefore, impacts upon municipal regulatory agencies should be non-existent or beneficial. Positive impacts should include improved local management

of coastal resources and development, as a result of financial and technical assistance through the coastal program. Public and local government participation in the activities of the program will continue. The coastal advisory committee will be expended to provide communication links between local communities and the state on coastal issues and ensure local participation in decisions effecting the coastal environmental, economic and social resources.

The NHCP will improve management and coordination, and will ensure public participation in coastal decisions. It is anticipated that the overall program costs to coordinate existing authorities, regulations and programs will reduce the long term costs of such operations. More effective administration of natural resource protection measures will yield the following benefits:

- more consistent administration of programs;
- comprehensive rather than single-purpose planning and management;
- reduction or resolution of conflicts between governmental agencies; and
- improvement of public understanding and compliance because of greater predictability, clarity and consistency in public programs.

Coastal program impacts upon state agencies should be primarily beneficial. Although changes in state regulatory authorities are not required, improved monitoring, enforcement and administration of state resource management programs and improved coordination among agencies is anticipated. To fully implement state coastal policies and programs, agencies must cooperate and coordinate their activities.

State agency actions under coastal program funding will facilitate coastal resource protection, add predictability and consistency to state coastal permit decisions, coordinate state government activities, plans, and development projects relative to the coastal area and improve coordination among all levels of government. In fulfilling their responsibilities under the coastal program, state agencies are not expected to incur any significant fiscal impacts. Any staffing burdens will be mitigated by anticipated federal coastal funds.

The Council on Resources and Development is responsible for coordinating state agency actions and resolving conflicts between state agencies in addressing resource management, growth and development issues. By resolution at its October 1, 1981 meeting, the Council affirmed its coordination and conflict resolution role in the coastal program. The Council will serve as an effective institutional mechanism focusing state agency attention on coastal issues, coordinating agency actions and resolving resource conflicts.

The Office of State Planning will coordinate the implementation of the state coastal program with all federal, state and local agencies. OSP will administer federal coastal funding to state and local agencies,

as well as, coordinate and monitor implementation of coastal policies through state and federal programs. Together, the Council on Resources and Development and the Office of State Planning will improve coastal management and coordination.

C. Possible Conflicts Between the Proposed Action and the Objectives of Federal, Regional, State and Local Land Use Plans, Policies and Controls for the Areas Concerned.

During NHCP development, an extensive program of consultation and coordination was carried out. Government agencies at all levels, coastal interest groups, and the general public were consulted so as to ensure compatibility between the management program and existing federal, regional, state, and local land use plans, policies, and controls applicable to the coastal area. Techniques used to ensure coordination included: an advisory committee of diverse membership including state, regional, and private interest; numerous workshops and meetings with both public officials and the general public; widespread distribution of technical planning reports, and the OSP newsletter; contractual work assignments with other government agencies; the IRP review process; membership on the New England Governors Conference Coastal Zone Task Force; establishment of informative working relationships with individuals in the Maine and the Massachusetts Coastal Programs; and direct contact with key federal agencies. The result of this extensive coordination effort has been the elimination of all conflicts between the objectives of the New Hampshire coastal management program and the objectives of federal, regional, state, and local regulatory plans and programs.

To ensure adequate coordination during implementation, the NHCP will continue to utilize an advisory committee as a forum for discussion of local concerns. The Council on Resources and Development (CORD), an existing state body will ensure preclusion of conflicting policies and priorities among state agencies involved in coastal areas and concerns. New Hampshire recognizes the need for continued consultation with federal agencies early in the federal decision-making process, as part of the CZMA requirement that all federal grant programs, permits, detailed permits in OCS plans, and federal development projects affecting the coastal area must be consistent with the state program.

D. Adverse Impacts and Mitigating Measures

The approval of the NHCP will not directly cause adverse impacts. However, as a result of implementing the resource protection and public investment policies, development will be redirected to and concentrated in non-sensitive areas. In areas where new development is encouraged, some permanent reduction in environmental quality may result: air quality may be reduced, noise increased, and an area's visual qualities may be adversely affected. While those areas recommended for growth and development will ultimately become more congested, existing air, noise, and water quality standards will be strictly enforced to preclude significant environmental deterioration and damage. In addition, any impacts resulting from development in non-sensitive areas should be more than offset by the corresponding increased protection offered to fragile coastal resources in other locations and by reduced costs to individuals and government as a

result of avoiding costly problems which result from development in hazardous or unsuitable areas.

The protection of sensitive resources and the redirection of growth may mean that land use options in some areas will be limited. Although these actions may result in some economic disadvantages to coastal property owners and to some units of government, the adverse impacts should be localized and offset by well planned growth in other suitable areas. In addition, coastal property owners are legally protected from severe economic disruptions to the value of their property. In any case where it is legally determined that a regulation "takes" property without due process and just compensation, the regulation in question would be declared void or compensation paid.